

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-290 (Sub-No. 203X)

NORFOLK SOUTHERN RAILWAY COMPANY—ABANDONMENT EXEMPTION—
IN MADISON AND BOND COUNTIES, IL

Decided: July 27, 2000

On February 3, 1999, a decision and notice of interim trail use or abandonment (NITU) was served in this proceeding. The NITU authorized Norfolk Southern Railway Company (NSR) to abandon a 39.1-mile branch line of railroad known as the Madison-Sorento Line or the Madison Branch, extending between milepost TS-406.6 at Sorento, IL, and milepost TS-445.7 at Madison, IL, in Madison and Bond Counties, IL. In the same decision, Madison County Transit (MCT) was granted a period of 180 days to negotiate with NSR for possible interim trail use for a portion of the right-of-way between milepost TS-410.91 and milepost TS-444.2. On March 17, 1999, a decision and amended NITU was served in this proceeding, granting an MCT request for issuance of an amended NITU and amending the February 3 decision to the extent necessary to implement interim trail use/rail banking for the additional portion of the right-of-way between milepost TS-410.91 and milepost TS-406.6. In decisions served on July 30, 1999, and January 27, 2000, the negotiating period was extended to January 29, 2000, and July 27, 2000.

By motion filed on July 25, 2000, MCT has requested an extension of the negotiating period for an additional 180 days to complete negotiations (until January 23, 2001). MCT states that it believes that an agreement in principle has been reached with NSR; however, the parties have not yet resolved on definitive contract language. MCT further states that business and vacation schedules have interfered with completing a final agreement. MCT adds that it is actively negotiating with NSR to acquire not only the subject property pursuant to the NITU, but also other property in Madison County.¹ MCT would like to acquire the subject property and the Sub-No. 206X property in a single contract.² By letter filed July 26, 2000, NSR consents to the requested extension of the negotiating period.

¹ The property at issue was the subject of a notice of exemption in Norfolk Southern Railway Company—Abandonment Exemption—in Madison County, IL, STB Docket No. AB-290 (Sub-No. 206X) (STB served Aug. 16, 1999).

² On September 14, 1999, a NITU was served in the Sub-No. 206X proceeding. The 180-day period under the NITU expired on March 13, 2000. By decision served June 23, 2000, the negotiating period was extended until July 27, 2000. An extension of the negotiating period in the Sub-No. 206X proceeding to January 23, 2001 has also been requested and is being granted in a separate decision being served today (July 27, 2000).

MCT's request is reasonable. The requested extension will promote the establishment of trail use and rail banking consistent with the National Trails System Act, 16 U.S.C. 1247(d). An extension of the trail use negotiating period may be granted in these circumstances if the carrier is willing to continue negotiations. As noted, NSR has agreed to the extension. Accordingly, the extension will be granted.

This action will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. The request to extend the interim trail use negotiating period is granted.
2. The negotiating period under the NITU is extended for a period of 180 days from July 27, 2000, or until January 23, 2001.
3. This decision is effective on its service date.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams
Secretary